

**FUNERAL DIRECTORS EXAMINING BOARD  
MINUTES  
MADISON, WISCONSIN  
NOVEMBER 14, 2000**

**PRESENT:** Roy Pfeffer, Rick Unbehaun, W. Robert Cress, Daniel Densow, and Bonnie Gift; Peter Schils (by teleconference from 1:50 to 2:37)

**STAFF PRESENT:** Secretary Cummings for a portion of the meeting, Clete Hansen, Becky Fry, Jacquelynn Rothstein, Legal Counsel; Judy Mender, Lydia Bridge, Casey Brown, Office of Examinations, and Division of Enforcement staff, for portions of the meeting

**GUESTS:** Mark Krause, FSA  
Christine Jacob, Krause Funeral Home  
Mark Paget, WFDA  
Ashley Moore, FSA

**CALL TO ORDER**

The meeting was called to order at 9:30 a.m. by Roy Pfeffer, Chair. A quorum of five members was present.

**AGENDA**

**MOTION:** Bonnie Gift moved, seconded by Rick Unbehaun, to adopt the agenda, as published. Motion carried unanimously.

**MINUTES (9/19/00)**

**MOTION:** Daniel Densow moved, seconded by Robert Cress, to approve the minutes, as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

**Secretary Cummings' Report**

Secretary Cummings distributed information from Midwest Cremation Services regarding cremation of pets and the November 10, 2000, Internet article entitled "The Funeral Business's New Look."

Secretary Cummings advised that the Board's proposed bill on crematory regulations should be submitted for drafting when it is ready. She stated that the Department's proposal on the regulation of crematories has been drafted and will be included in the Cemetery Bill.

The Board agreed with the proposal that the Funeral Director's Examining Board would regulate crematoriums operated by funeral directors, the Cemetery Board would regulate crematoriums

operated by cemeterians, and the department would regulate crematoriums operated by other persons, as long as the same regulations are enforced.

The Board discussed the importance of the protection of the public relating to the certificate in good standing. Secretary Cummings stated that the Board is theoretically sound and correct in requiring additional education from individuals who have not been practicing the profession for more than five years; however, that fact does not mean that the Board has made the right decision regarding this issue.

### **Bureau Director's Report**

#### **Board Roster**

The Board received an updated roster. Changes were noted.

#### **2001 Meeting Dates**

The Board received an updated copy of the 2001 meeting dates. Noted.

#### **To-Pass Folder**

The To-Pass Folder was circulated and duly noted.

#### **Board Motions Since 1/19/99**

The Board reviewed motions made since 1/19/99 and agreed that actions have been carried out on the motions.

Clete Hansen discussed procedures for motions involving legislative action.

### **LEGISLATIVE UPDATE**

#### **Regulation of Crematories**

Mr. Hansen distributed the April 3, 2000, draft of the North American Cemetery Regulators Association Proposed Statement of Policy – Regulatory Standards Regarding Cremation and Cremated Remains. Mr. Hansen indicated that these are the provisions that the department has asked the drafter to include in the cemetery bill.

Daniel Densow addressed the purpose of a comprehensive cremation draft to prevent future amendments as complaints come forward. Mr. Densow stated the committee reviewed regulations from other states when drafting the proposed regulations.

The Board reviewed the revised proposal and the following revisions were indicated:

Section 1 #7 change “including” to “and may include.”

Section 1 #11 change “board” to “department.”

Section 2 #3 and Section 2 #3d change “board” to “department.”  
Section 3 #7 add “for his or her own body part” to the end of the paragraph.

The Board discussed the authorization of one’s own cremation. Mr. Densow stated that it was the opinion of the committee that survivors have the final authorization for cremation.

Section 4 #6 strike “final.”  
Section 5 #2 strike “final.”  
Section 5 #4 Jacquelynn Rothstein will draft revised language.

Roy Pfeffer recommended including language regarding the 48-hour waiting law. Jacquelynn Rothstein will address this issue.

Section 7 #3 strike “final.”  
Section 12 add “entombment or scattering purposes” at the end of the paragraph.  
Section 13 #3 The crematory “may refuse to” accept...  
Section 20 add the identity “of” the human remains...  
Section 21 #1 strike “final.”

Roy Pfeffer was concerned with the language regarding “scattering of remains in a scattering area” in relation to the Department of Natural Resources (DNR). Mark Krause stated that he had received a letter from the DNR stating that it is not illegal to scatter remains anywhere. Mr. Pfeffer asked Mr. Krause to send a copy of that letter to the Board.

Section 21 #2C Jacquelynn Rothstein will draft revised language.

Jacquelynn Rothstein will draft language for a penalty provision for the Board’s review at the next meeting.

**MOTION:** Rick Unbehaun moved, seconded by Robert Cress, to request that Jacquelynn Rothstein revise the proposed cremation regulations in accordance with the discussion and submit the revised draft to the Board at the next meeting. Motion carried unanimously.

### **Certificates of Good Standing**

Clete Hansen explained that if the department includes the certificate of good standing issue in the Biennial Budget Bill and the Board does not support it, the Board may convey that information to the Joint Finance Committee. If it should be kicked out of the Biennial Budget Bill, it would have to be redrafted and reintroduced as a separate bill.

Roy Pfeffer recommended that the number of required embalmings be reduced to “9” to coincide with the apprentice requirements.

**MOTION:** Rick Unbehaun moved, seconded by Daniel Densow, to reduce the number of embalmings required of those who have held a certificate of

good standing for over 5 years from 10 embalmings to “9” embalmings.  
Motion carried unanimously.

Roy Pfeffer indicated that 53 individuals currently hold certificates of good standing.

### **Cemetery Law Revisions**

Clete Hansen reviewed the progress of the cemetery law revisions. He indicated that the final draft has not been completed. Mr. Hansen did, however, receive a comprehensive draft that includes everything requested by the department with the exception of the cremation provisions that will be included in the final draft.

### **Cemetery Bill**

Clete Hansen referred to the September 26, 2000, letter he received from Mark Paget and his response relating to the proposal of the Department to amend the trusting requirements for the preneed sale of vaults, caskets, and cemetery merchandise.

Mark Paget stated that it is the opinion of the Wisconsin Funeral Directors Association (WFDA) that cemeteries and funeral homes should trust at the same level.

Mr. Hansen referred to the chart included in the agenda packet prepared by the City of Milwaukee relating to the Seratti proposal versus the DRL proposal for cemetery legislation. Mr. Hansen indicated that the one issue that has not been resolved is the cemetery management fund and assessing a tax on death certificates.

## **EXAMINATION ISSUES**

### **Whether The Board Should Use the National Exam**

The Board received a copy of Raymond Brown’s 11/06/00 memo regarding the validity of the National Board Examination.

Mr. Brown informed the Board that he and Barbara Showers of the Office of Examinations, reviewed the most current validation conducted by the Applied Measurement Professionals (AMP) regarding the National Board Examination (NBE). The Office of Examinations no longer has reservations with regards to using the NBE.

Mr. Brown explained various procedures relating to the use of the NBE and suggested the Board consider combining the reciprocal exam and the arts exam into one exam for Wisconsin state law. He also discussed the possible use of an open-book exam.

The Board supported combining the reciprocal and arts exam into one state law exam, but did not support the use of an open book exam.

**MOTION:** Rick Unbehaun moved, seconded by Robert Cress, to proceed towards using the NBE exam, to request Raymond Brown to provide more

logistical information relating to dates, location, and administration of the national exam, to explore the possibility of administering the state exam at the same time, and to explore the possibility of combining the reciprocal exam with the arts exam into one state law exam. Motion carried unanimously.

### **BOARD MEMBER ACTIVITY**

Bonnie Gift informed the Board that she would be attending the Badger football game in Hawaii.

### **CONTINUING EDUCATION CREDITS FOR MEETINGS**

The Board discussed the validity of professional Board members and licensed funeral directors receiving continuing education units for attending Board meetings.

Lydia Bridge informed the Board that in the past, licensed funeral directors did obtain authorization to receive continuing education units for attending meetings.

Jacquelynn Rothstein advised that application for approval of the continuing education would have to be submitted to staff in the department.

The Board agreed to grant continuing education units to professional Board members and licensed funeral directors who attend Board meetings.

### **CORRECTION TO “A CONSUMER GUIDE TO PRE-PLANNING A FUNERAL”**

Clete Hansen informed the Board that he received a call from a person, suggesting that a correction be made to the consumer guide relating to pre-planning a funeral.

**MOTION:** Daniel Densow moved, seconded by Bonnie Gift, to revise the second item under “What Requirements Exist for Funeral Policies?” of the Consumer Guide to Pre-Planning a Funeral to read, “If a single, lump sum premium payment is made, the premium amount may not exceed the current costs of the prearranged funeral plan.” Motion carried unanimously.

### **MISCELLANEOUS CORRESPONDENCE/INFORMATION**

None.

### **NEW BUSINESS**

None.

### **PUBLIC COMMENTS**

Mark Krause conveyed support for the Board action on the proposed crematory regulations and agreed that the rules need to be uniform for all operators of crematories.

### **NATIONAL CONFERENCE OF THE INTERNATIONAL CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS**

Roy Pfeffer informed the Board that no conference would be held in 2000. He indicated that the next meeting will be held April 7-9, 2001, in Clearwater, Florida and that a delegate needed to be selected to represent the Board at the convention.

Robert Cress indicated that he would be in Florida at that time and would be available to attend the conference.

**MOTION:** Roy Pfeffer moved, seconded by Bonnie Gift, to appoint Robert Cress as the delegate to the National Conference of the International Conference of Funeral Service Examining Boards, April 7-9, 2001, in Clearwater, Florida. Motion carried unanimously.

### **RECESS TO CLOSED SESSION**

**MOTION:** Rick Unbehaun moved, seconded by Bonnie Gift, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, monitoring issues, reinstatement requests, extension requests, examination challenges, deliberations on stipulations that may be signed after printing of the agenda, pending applications, and disciplinary proceedings. Motion carried unanimously by a roll call vote: Rick Unbehaun-yes; Bonnie Gift-yes; Robert Cress-yes; Daniel Densow-yes; Roy Pfeffer-yes.

Open Session recessed and Closed Session convened at 12:24 p.m.

### **CLOSED SESSION**

Peter Schils joined the meeting by teleconference for a portion of the closed session and voting on one stipulation.

The Board received a copy of the Case Status Report.

John M. Prock addressed the Board concerning a reinstatement request.

The Board deliberated on a stipulation, apprentice permit extension requests, reinstatement requests, and a case closing.

### **RECONVENE IN OPEN SESSION**

**MOTION:** Bonnie Gift moved, seconded by Rick Unbehaun, to reconvene in Open Session at 2:35 p.m. Motion carried unanimously.

## **VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

### **STIPULATIONS**

Bonnie Gift and Robert Cress were not present for deliberation on the following stipulation. Peter Schils was present by teleconference for voting on this stipulation.

**MOTION:** Daniel Densow moved, seconded by Rick Unbehaun, to accept the Stipulation for 00 FDR 001, Jeffrey D. Ward. Motion carried with Robert Cress and Bonnie Gift abstaining.

Action on stipulation 99 FDR 017, Ronald Cuddie and Kristin Cuddie and 99 FDR 010, Patricia Rinka, Peter Rinka, and Nancy G. Thompson, was tabled to the next meeting.

### **REINSTATEMENT REQUEST**

**MOTION:** Rick Unbehaun moved, seconded by Daniel Densow, to reissue the license for John M. Prock upon the completion of 30 hours of continuing education, the completion of 9 embalming services under the personal supervision of a licensed funeral director with written verification of the embalmings which are not required to be performed at one location, and successfully passing the state laws examination. Motion carried unanimously.

**MOTION:** Daniel Densow moved, seconded by Bonnie Gift, to require Thomas A Terry to take the entire exam, to complete the balance of continuing education credits with courses approved by the Funeral Director Examining Board, and to complete 9 embalmings, for reinstatement. Motion carried unanimously.

### **APPRENTICE PERMIT EXTENSION REQUESTS**

**MOTION:** Daniel Densow moved, seconded by Robert Cress, to grant an extension for apprentice permit to Olga Perez, through May 1, 2001. Motion carried unanimously.

**MOTION:** Daniel Densow moved, seconded by Rick Unbehaun, to grant an extension for apprentice permit to David Dane, through May 1, 2001. Motion carried unanimously.

### **CASE CLOSINGS**

**MOTION:** Daniel Densow moved, seconded by Rick Unbehaun, to close 00 FDR 014, for P2. There may have been a minor or technical violation but a

decision was made not to commence formal disciplinary action on the grounds that compliance with statutes or rules has been gained. Motion carried with Roy Pfeffer abstaining.

### **ADJOURNMENT**

**MOTION:** Bonnie Gift moved, seconded by Robert Cress, to adjourn the meeting at 2:44 p.m. Motion carried unanimously.